

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PINES BACH LLP,

Plaintiff,

Case No.: 3:22-CV-66-JDP

v.

Michael A. Mills,

Defendant.

DECLARATION OF TERRY E. JOHNSON

Terry E. Johnson, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, declares:

1. I am one of the attorneys representing the plaintiff on the defense of the counterclaim.

2. Because of the close timing between the end of the current stay on January 17 and the February 21 deadline that plaintiff has to name experts on the defense of the counterclaim and the failure of plaintiff to provide neither a resume or a report from the expert he named as a proponent, James M. McCormack, I determine that, in order to be prepared to name an expert on a timely basis, I needed to set up a deposition of that expert as promptly as possible after the stay. To that end, I wrote to both Mr. Keeton and Mr. Mills on November 14, seeking to schedule a deposition of that expert for January 20. I wrote to Mr. Mills because I had been told by both Mr. Mills and by a representative of Mr. Keeton's office that during Mr. Keeton's continuing medical unavailability I was to direct communications about the case to Mr. Mills.

3. Attached hereto is Exhibit A and incorporated herein by reference as if fully set forth a true and correct copy of my letter of November 14 to Mr. Keeton, a copy of which was sent to Mr. Mills.

4. Attached hereto as Exhibit B and incorporated herein by reference as if fully set forth is an email string containing exchanges on the subject of the deposition and experts. In that email exchange, Mr. Mills stated more than once that he did not even intend to call the expert witness that he had identified on October 21 and that he intended to somehow substitute that expert with an expert in Wisconsin. He also did not response specifically in any way to the request that his named expert be produced for a deposition on January 20.

Dated at Milwaukee, Wisconsin this 15th day of November, 2022.

s/ Terry E. Johnson
Terry E. Johnson

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